

HOUSE BILL 59

Introduced by Benedict

12/03 Introduced
12/03 Referred to Education & Cultural Resources
12/03 First Reading
12/04 Fiscal Note Requested
12/08 Hearing
12/09 Committee Report--Bill Passed as Amended
12/10 Fiscal Note Received
12/10 Fiscal Note Printed
12/10 2nd Reading Passed
12/10 3rd Reading Passed

Transmitted to Senate

12/11 First Reading
12/11 Referred to Education & Cultural Resources
12/13 Hearing
12/14 Tabled in Committee
12/16 Motion Failed to Take From Committee and
Place on 2nd Reading
12/17 Motion Failed to Take From Committee and
Place on 2nd Reading

1 House BILL NO. 59
2 INTRODUCED BY BENEDICT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ELECTORS
5 OF EACH ELEMENTARY SCHOOL DISTRICT WITHIN THE BOUNDARIES OF
6 A HIGH SCHOOL DISTRICT TO VOTE IN THE 1994 TRUSTEE ELECTIONS
7 AND AT 10-YEAR INTERVALS THEREAFTER ON WHETHER TO ANNEX THE
8 ELEMENTARY DISTRICT WITH THE ELEMENTARY DISTRICT WHERE THE
9 COUNTY HIGH SCHOOL BUILDING IS LOCATED; REQUIRING THE
10 ELECTORS OF A COUNTY HIGH SCHOOL DISTRICT TO VOTE IN THE
11 1994 TRUSTEE ELECTIONS AND AT 10-YEAR INTERVALS THEREAFTER
12 ON WHETHER TO UNIFY THE COUNTY HIGH SCHOOL DISTRICT WITH THE
13 ELEMENTARY SCHOOL DISTRICT WHERE THE HIGH SCHOOL BUILDING IS
14 LOCATED; AMENDING SECTIONS 20-6-204 AND 20-6-312, MCA; AND
15 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18 NEW SECTION. Section 1. Mandatory annexation election
19 of elementary districts. (1) Each elementary district that
20 does not have a high school shall hold an election, as
21 provided in 20-6-205, to determine whether the district will
22 be annexed with the elementary district where the county
23 high school building is located.
24 (2) The election must be held in the annexing
25 elementary district during the regular trustee elections in

1 1994 and every 10 years following the first vote on
2 annexation of the elementary district.
3 (3) A mandatory elementary district annexation election
4 must proceed as follows:
5 (a) The elementary district to be annexed shall notify
6 the annexing elementary district at least 60 days before the
7 date of the election that a mandatory annexation election
8 will be conducted.
9 (b) The districts involved shall jointly determine
10 whether the annexation will occur with or without the joint
11 assumption of the bonded indebtedness of the district to be
12 annexed.
13 (c) Before the county superintendent orders an election
14 on the annexation proposition, the trustees of the annexing
15 district shall pass a resolution granting the superintendent
16 authority to annex the district. The trustees of the
17 annexing district may not deny authority to annex if
18 annexation does not require joint assumption with the
19 annexing district of the bonded indebtedness of the district
20 to be annexed.
21 (d) After receiving annexation authorization from the
22 annexing district or from the districts that are not jointly
23 assuming bonded indebtedness, the county superintendent
24 shall, at least 45 days before the regular trustee election,
25 order the trustees of the district to be annexed to call an

annexation election.

(e) The district to be annexed shall call and conduct the election pursuant to Title 20, chapter 20, and shall follow:

(i) the provisions of 20-6-206 if the district to be annexed will jointly assume with the annexing district the bonded indebtedness of the annexing district; or

(ii) the provisions of 20-6-207 if the district to be annexed will not jointly assume with the annexing district the bonded indebtedness of the annexing district.

Section 2. Section 20-6-204, MCA, is amended to read:

"20-6-204. Conditions for elementary district annexation. (1) An elementary district may be annexed to another elementary district located in the same county when:

(a) a third-class district where a high school is not located is annexed to a third-class district where a high school is located, a first-class district, or a second-class district;

(b) a third-class district where a high school is located is annexed to a first-class district or a second-class district; or

(c) a second-class district is annexed to a first-class district; or

(d) a first-class, second-class, or third-class district located within the boundaries of a high school

district where a high school is not located is annexed to a first-class, second-class, or third-class district within the boundaries of a high school district where a high school is located.

(2) The voluntary annexation election of elementary districts ~~shall~~ must be conducted under the provisions of 20-6-205.

(3) The mandatory annexation election of elementary districts must be conducted pursuant to [section 1]."

Section 3. Section 20-6-312, MCA, is amended to read:

"20-6-312. County high school unification. (1) Any county high school may be unified with the elementary district where the county high school building is located to establish a unified school system under a unified board of trustees. If the county has not been divided into high school districts, a high school district with boundaries coterminous with the county boundaries ~~shall~~ must be created, except that ~~such the~~ high school district ~~shall~~ may not include the territory of any existing joint high school district located in the county. The territory of an existing joint high school district ~~shall~~ must remain a part of ~~such the~~ joint high school district. The creation of high school districts under this provision ~~shall-be~~ is in lieu of the high school district division provisions of 20-6-303.

(2) A mandatory election proposition to unify a county

1 high school with the elementary district where the county
 2 high school building is located ~~shall~~ must be introduced
 3 whenever considered at the regular trustee election
 4 beginning in 1994 and every 10 years following the first
 5 vote on a unification proposal.

6 (3) A voluntary election proposition to unify a county
 7 high school with the elementary district where the county
 8 high school building is located must be considered:

9 (a) whenever the trustees of the county high school and
 10 the trustees of the elementary district individually pass
 11 resolutions requesting the county superintendent to order an
 12 election to consider a unification proposition; or

13 (b) whenever not less than 20% of the electors of the
 14 county or, if the county has been divided into high school
 15 districts, the electors of the high school district where
 16 the county high school is located, and who are qualified to
 17 vote under the provisions of 20-20-301, petition the county
 18 superintendent to order an election to consider a
 19 unification proposition.

20 ~~†3†(4) When--the~~ The county superintendent ~~has-received~~
 21 ~~the-trustees'-resolutions-or-a-valid-petition,--he~~ shall,
 22 within 10 days after the receipt of the ~~last~~ trustees'
 23 resolution or petition and under the provisions of
 24 20-20-201, or as required under subsection (2) of this
 25 section, order the county high school to call an election to

1 consider a unification proposition. The trustees of the
 2 county high school shall call and conduct an election in the
 3 manner prescribed in this title for school elections. An
 4 elector who may vote on the unification proposition ~~shall~~
 5 must be qualified to vote under the provisions of 20-20-301.
 6 The ballot for a county high school unification proposition
 7 ~~shall~~ must be substantially in the following form:

8 "OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION

9 Shall County High School be unified with District
 10 No., County to establish a unified school system
 11 under a unified board of trustees?

12 ☐ FOR the unification of the county high school.

13 ☐ AGAINST the unification of the county high school."

14 ~~†4†(5)~~ When the county superintendent receives the
 15 election certificate from the trustees of the county high
 16 school, he the county superintendent shall issue an order
 17 declaring the unification of the county high school with the
 18 elementary district identified on the ballot as of the next
 19 succeeding July 1, if a majority of those electors voting at
 20 such the election have voted for the unification
 21 proposition.

22 ~~†5†(6)~~ If a majority of those electors voting at the
 23 election have voted against the unification proposition, he
 24 the county superintendent shall order the disapproval of the
 25 unification proposition."

LC 0143/01

1 NEW SECTION. **Section 4.** Codification instruction.
2 [Section 1] is intended to be codified as an integral part
3 of Title 20, chapter 6, part 2, and the provisions of Title
4 20, chapter 6, part 2, apply to [section 1].

5 NEW SECTION. **Section 5.** Effective date. [This act] is
6 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0059, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring the electors of each elementary school district within the boundaries of a high school district to vote in the 1994 trustees elections and at 10-year intervals thereafter on whether to annex the elementary district with the elementary district where the county high school building is located; requiring the electors of a county high district to vote in the 1994 trustee elections and at 10 year intervals thereafter on whether to unify the county high school district with the elementary school district where the high school building is located; amending sections 20-6-204 and 20-6-312, MCA; and providing an immediate effective date.

ASSUMPTIONS:

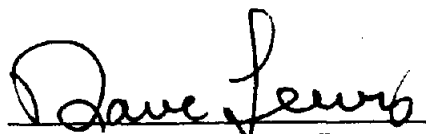
1. There are 7 county high school districts in Montana. These districts are listed below. In parentheses is the number of elementary districts within the county high school district. Beaverhead Co HS (7), Carter Co HS (7), Custer Co HS (12), Dawson Co HS (5), Garfield Co HS (12), Powell Co HS (7), and Sweet Grass Co HS (5).
2. If the elementary districts vote to consolidate, the state obligation for the basic entitlement (\$7,200/elementary district) will decline for each district that is consolidated.
3. Under 20-6-401, MCA, districts are eligible for a general bonus payment for consolidation of \$450 per pupil per year for a 3 year period for a first- or second-class district and of \$750 per pupil per year for a third-class district.
4. Consolidation of these districts is contingent upon voter approval.
5. If all 55 of the elementary districts in these seven counties were consolidated into one elementary district per county, the state savings from the cost of direct state aid would be at least \$345,600. It is impossible to estimate how many of these consolidations would have occurred without the imposition of a mandatory election or how many districts will elect to consolidate.


FISCAL IMPACT: No impact for fiscal 1994 and unknown for fiscal 1995.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: The cumulative cost of administrative expenditures for local districts may decrease as a result of this bill because reporting requirements to the state would be decreased as districts are combined.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: The number of school districts could potentially decrease faster as a result of this bill.

TECHNICAL NOTES: The bill is unclear about whether elections are to be held in both the annexing districts and the districts to be annexed.

 12-8
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 12-10-93
STEVE BENEDICT, PRIMARY SPONSOR DATE
Fiscal Note for HB0059, as introduced
HB 59

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 59

INTRODUCED BY BENEDICT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE ELECTORS OF EACH ELEMENTARY SCHOOL DISTRICT WITHIN THE BOUNDARIES OF A HIGH SCHOOL DISTRICT TO VOTE IN THE 1994 TRUSTEE ELECTIONS AND AT 10-YEAR INTERVALS THEREAFTER ON WHETHER TO ANNEX THE ELEMENTARY DISTRICT WITH THE ELEMENTARY DISTRICT WHERE THE COUNTY HIGH SCHOOL BUILDING IS LOCATED; REQUIRING THE ELECTORS OF A COUNTY HIGH SCHOOL DISTRICT TO VOTE IN THE 1994 TRUSTEE ELECTIONS AND AT 10-YEAR INTERVALS THEREAFTER ON WHETHER TO UNIFY THE COUNTY HIGH SCHOOL DISTRICT WITH THE ELEMENTARY SCHOOL DISTRICT WHERE THE HIGH SCHOOL BUILDING IS LOCATED; AMENDING SECTIONS 20-6-204 AND 20-6-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Mandatory annexation election of elementary districts. (1) Each elementary district that does not have a high school BUILDING WITHIN ITS BOUNDARIES shall hold an election, as provided in 20-6-205, to determine whether the district will be annexed with the AN elementary district where the county A high school building is located.

(2) The election must be held in the annexing ANNEXED

elementary district during the regular trustee elections in 1994 and every 10 years following the first vote on annexation of the elementary district.

(3) A mandatory elementary district annexation election must proceed as follows:

(a) The elementary district to be annexed shall notify the annexing elementary district at least 60 days before the date of the election that a mandatory annexation election will be conducted.

(b) The districts involved shall jointly determine whether the annexation will occur with or without the joint assumption of the bonded indebtedness of the district to be annexed.

(c) Before the county superintendent orders an election on the annexation proposition, the trustees of the annexing district shall pass a resolution granting the superintendent authority to annex the district. The trustees of the annexing district may not deny authority to annex if annexation does not require joint assumption with the annexing district of the bonded indebtedness of the district to be annexed.

(d) After receiving annexation authorization from the annexing district or from the districts that are not jointly assuming bonded indebtedness, the county superintendent shall, at least 45 days before the regular trustee election,

order the trustees of the district to be annexed to call an annexation election.

(e) The district to be annexed shall call and conduct the election pursuant to Title 20, chapter 20, and shall follow:

(i) the provisions of 20-6-206 if the district to be annexed will jointly assume with the annexing district the bonded indebtedness of the annexing district; or

(ii) the provisions of 20-6-207 if the district to be annexed will not jointly assume with the annexing district the bonded indebtedness of the annexing district.

Section 2. Section 20-6-204, MCA, is amended to read:

"20-6-204. Conditions for elementary district annexation. (1) An elementary district may be annexed to another elementary district located in the same county when:

(a) a third-class district where a high school is not located is annexed to a third-class district where a high school is located, a first-class district, or a second-class district;

(b) a third-class district where a high school is located is annexed to a first-class district or a second-class district; or

(c) a second-class district is annexed to a first-class district; or

(d) a first-class, second-class, or third-class

district located within the boundaries of a high school district where a high school is not located is annexed to a first-class, second-class, or third-class district within the boundaries of a high school district where a high school is located.

(2) The voluntary annexation election of elementary districts ~~shall~~ must be conducted under the provisions of 20-6-205.

(3) The mandatory annexation election of elementary districts must be conducted pursuant to [section 1]."

Section 3. Section 20-6-312, MCA, is amended to read:

"20-6-312. County high school unification. (1) Any county high school may be unified with the elementary district where the county high school building is located to establish a unified school system under a unified board of trustees. If the county has not been divided into high school districts, a high school district with boundaries coterminous with the county boundaries ~~shall~~ must be created, except that ~~such the~~ high school district ~~shall~~ may not include the territory of any existing joint high school district located in the county. The territory of an existing joint high school district ~~shall~~ must remain a part of ~~such the~~ joint high school district. The creation of high school districts under this provision ~~shall be~~ is in lieu of the high school district division provisions of 20-6-303.

1 (2) A mandatory election proposition to unify a county
 2 high school with the elementary district where the county
 3 high school building is located ~~shall~~ must be introduced
 4 whenever considered at the regular trustee election
 5 beginning in 1994 and every 10 years following the first
 6 vote on a unification proposal.

7 (3) A voluntary election proposition to unify a county
 8 high school with the elementary district where the county
 9 high school building is located must be considered:

10 (a) whenever the trustees of the county high school and
 11 the trustees of the elementary district individually pass
 12 resolutions requesting the county superintendent to order an
 13 election to consider a unification proposition; or

14 (b) whenever not less than 20% of the electors of the
 15 county or, if the county has been divided into high school
 16 districts, the electors of the high school district where
 17 the county high school is located, and who are qualified to
 18 vote under the provisions of 20-20-301, petition the county
 19 superintendent to order an election to consider a
 20 unification proposition.

21 ~~{3}{4}~~ When--the The county superintendent has--received
 22 ~~the-trustees'-resolutions-or-a-valid--petition,--he~~ shall,
 23 within 10 days after the receipt of the ~~last~~ trustees'
 24 resolution or petition and under the provisions of
 25 20-20-201, or as required under subsection (2) of this

1 section, order the county high school to call an election to
 2 consider a unification proposition. The trustees of the
 3 county high school shall call and conduct an election in the
 4 manner prescribed in this title for school elections. An
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 7 The ballot for a county high school unification proposition
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9 "OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION

10 Shall County High School be unified with District
 11 No., County to establish a unified school system
 12 under a unified board of trustees?

13 ☐ FOR the unification of the county high school.

14 ☐ AGAINST the unification of the county high school."

15 ~~{4}{5}~~ When the county superintendent receives the
 16 election certificate from the trustees of the county high
 17 school, ~~he~~ the county superintendent shall issue an order
 18 declaring the unification of the county high school with the
 19 elementary district identified on the ballot as of the next
 20 succeeding July 1, if a majority of those electors voting at
 21 ~~such~~ the election have voted for the unification
 22 proposition.

23 ~~{5}{6}~~ If a majority of those electors voting at the
 24 election have voted against the unification proposition, ~~he~~
 25 the county superintendent shall order the disapproval of the

1 unification proposition."

2 NEW SECTION. **Section 4.** Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 20, chapter 6, part 2, and the provisions of Title
5 20, chapter 6, part 2, apply to [section 1].

6 NEW SECTION. **Section 5.** Effective date. [This act] is
7 effective on passage and approval.

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HOUSE BILL NO. 59

INTRODUCED BY BENEDICT

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(2) The election must be held in the annexing ANNEXED

elementary district during the regular trustee elections in 1994 and every 10 years following the first vote on annexation of the elementary district.

(3) A mandatory elementary district annexation election must proceed as follows:

(a) The elementary district to be annexed shall notify the annexing elementary district at least 60 days before the date of the election that a mandatory annexation election will be conducted.

(b) The districts involved shall jointly determine whether the annexation will occur with or without the joint assumption of the bonded indebtedness of the district to be annexed.

(c) Before the county superintendent orders an election on the annexation proposition, the trustees of the annexing district shall pass a resolution granting the superintendent authority to annex the district. The trustees of the annexing district may not deny authority to annex if annexation does not require joint assumption with the annexing district of the bonded indebtedness of the district to be annexed.

(d) After receiving annexation authorization from the annexing district or from the districts that are not jointly assuming bonded indebtedness, the county superintendent shall, at least 45 days before the regular trustee election,

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(b) a third-class district where a high school is located is annexed to a first-class district or a second-class district; or

(c) a second-class district is annexed to a first-class district; or

(d) a first-class, second-class, or third-class

district located within the boundaries of a high school district where a high school is not located is annexed to a first-class, second-class, or third-class district within the boundaries of a high school district where a high school is located.

(2) The voluntary annexation election of elementary districts ~~shall~~ must be conducted under the provisions of 20-6-205.

(3) The mandatory annexation election of elementary districts must be conducted pursuant to [section 1]."

Section 3. Section 20-6-312, MCA, is amended to read:

"20-6-312. County high school unification. (1) Any county high school may be unified with the elementary district where the county high school building is located to establish a unified school system under a unified board of trustees. If the county has not been divided into high school districts, a high school district with boundaries coterminous with the county boundaries ~~shall~~ must be created, except that ~~such the~~ high school district ~~shall~~ may not include the territory of any existing joint high school district located in the county. The territory of an existing joint high school district ~~shall~~ must remain a part of ~~such the~~ joint high school district. The creation of high school districts under this provision ~~shall be~~ is in lieu of the high school district division provisions of 20-6-303.

(2) A mandatory election proposition to unify a county high school with the elementary district where the county high school building is located ~~shall~~ must be introduced whenever considered at the regular trustee election beginning in 1994 and every 10 years following the first vote on a unification proposal.

(3) A voluntary election proposition to unify a county high school with the elementary district where the county high school building is located must be considered:

(a) whenever the trustees of the county high school and the trustees of the elementary district individually pass resolutions requesting the county superintendent to order an election to consider a unification proposition; or

(b) whenever not less than 20% of the electors of the county or, if the county has been divided into high school districts, the electors of the high school district where the county high school is located, and who are qualified to vote under the provisions of 20-20-301, petition the county superintendent to order an election to consider a unification proposition.

~~{3}(4)~~ When ~~the~~ The county superintendent ~~has received the trustees' resolutions or a valid petition,~~ he shall, within 10 days after the receipt of the ~~last~~ trustees' resolution or petition and under the provisions of 20-20-201, or as required under subsection (2) of this

section, order the county high school to call an election to consider a unification proposition. The trustees of the county high school shall call and conduct an election in the manner prescribed in this title for school elections. An elector who may vote on the unification proposition ~~shall~~ must be qualified to vote under the provisions of 20-20-301. The ballot for a county high school unification proposition ~~shall~~ must be substantially in the following form:

"OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION

Shall County High School be unified with District No., County to establish a unified school system under a unified board of trustees?

☐ FOR the unification of the county high school.

☐ AGAINST the unification of the county high school."

~~{4}(5)~~ When the county superintendent receives the election certificate from the trustees of the county high school, he the county superintendent shall issue an order declaring the unification of the county high school with the elementary district identified on the ballot as of the next succeeding July 1, if a majority of those electors voting at such the election have voted for the unification proposition.

~~{5}(6)~~ If a majority of those electors voting at the election have voted against the unification proposition, he the county superintendent shall order the disapproval of the

1 unification proposition."

2 NEW SECTION. **Section 4.** Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 20, chapter 6, part 2, and the provisions of Title
5 20, chapter 6, part 2, apply to [section 1].

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